

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

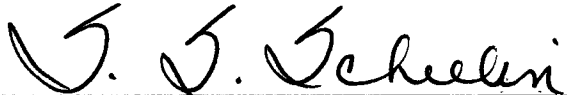


Z.C. CASE NO.: 10-28

As Secretary to the Commission, I hereby certify that copies of this Z.C. Procedural Order were mailed first class, postage prepaid, hand-delivered, or e-mailed to the following:

1. Paul Tummonds, Esq.
Goulston & Storrs
(by email 06/11/13)
2. ANC 5B
1322 Irving Street, NE
Washington, DC 20017
(by mail 06/11/13)
(Note: changed from 5A to 5B since the hearing)
3. 200-Footers (c/o Barbara Kahlow)
(by hand 06/11/13)
4. Brookland Neighborhood Civic Assoc.
(by e-mail to Caroline Petti 06/11/13)

ATTESTED BY: _____


Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia

CASE NO. 10-28

EXHIBIT NO. 346

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
Z.C. Case No. 10-28
901 Monroe Street, LLC
(Consolidated PUD & Related Map Amendment @ Square 3829)

REVISED PROCEDURAL ORDER ON REMAND

This proceeding concerns an application submitted by 901 Monroe Street, LLC (“Applicant”) for review of consolidated approval of a planned unit development and related amendments to the Zoning Map of the District of Columbia. The Zoning Commission for the District of Columbia (“Commission”) considered the application pursuant to chapters 24 and 30 of the Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations. By order effective June 15, 2012, the Commission approved the applications subject to conditions (“Z.C. Order No. 10-28”).

Parties to this proceeding, in addition to the Applicant, are Advisory Neighborhood Commission (“ANC”) 5B¹, a group of residents residing within 200 feet of the Subject Property (“200-Footers”), and the Brookland Neighborhood Civic Association (“BNCA”). The 200 Footers appealed the Commission’s decision to the District of Columbia Court of Appeals. By decision dated May 16, 2013, the Court of Appeals remanded the case back to the Commission “for appropriate supplemental findings and related conclusions of law” on four specific issues. *Guy Durant v. D.C. Zoning Commission*, No. 12-AA-973, 2013 WL 2102501, slip op. at 25-26 (D.C. May 16, 2013).

Court of Appeals Decision

The pertinent portion of the Court of Appeals Opinion remands the case back to the Commission to:

1. Resolve the dispute regarding the [Future Land Use Map’s] designations, and determine whether the project is consistent with the Plan as a whole in light of its resolution of that issue;

¹ The Zoning Commission’s rules grant automatic party status to “the Advisory Neighborhood Commission for the area within which the property that is the subject of the contested case is located.” 11 DCMR § 3099.1, definition of “Party”. During the original proceedings, the subject property was located within the boundary of ANC 5A. After Zoning Commission Order No. 10-28 was issued, that ANC’s boundary changed so that the subject property is now located within the boundary of ANC 5B.

2. Explain whether the proposal is consistent with the written Plan policies discussed above: UNE-1.1.1, LU-2.1.6, LU-2.1.8, LU-2.3 .1, and with the portions of UNE-2.6.1 and LU-1.3.1 omitted from its quotation of these policies;
3. Make findings regarding the [General Policy Map's] designation of the property as a Neighborhood Conservation Area, and determine whether the developer's application is consistent with the Plan in light of that designation; and
4. Make any other necessary findings of fact and conclusions of law, in accordance with this opinion.

Guy Durant v. D.C. Zoning Commission, No. 12-AA-973, 2013 WL 2102501, slip op. at 26 (D.C. May 16, 2013).

Request for Proposed Order

The Commission intends to issue an order that fully complies with the remand instructions.

To aid it in this process, the Commission requests the Applicant, as the prevailing party, to provide a proposed order on remand that makes the determinations, explanations, and findings required by the Opinion. The proposed order should contain such findings of facts and conclusions of law as are required.

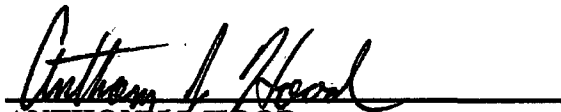
The Applicant shall file and serve its proposed order no later than 3:00 p.m., June 24, 2013, and shall also make an electronic version available to the other parties and to the Land Use and Public Works Section of the Office of the Attorney General.

The 200 Footers, BNCA, and ANC 5B may each provide a response that identifies any alleged errors or omissions in the findings of fact and conclusions of law stated in the proposed order.

Any such response shall be filed and served no later 3:00 p.m. on July 9, 2013.

No other filings that bear upon the substance of this application will be accepted.

SO ORDERED on June 11, 2013.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARAH E. BARDIN
DIRECTOR
OFFICE OF ZONING